

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

SHAUNTEL BROWN)	
)	
Plaintiff,)	COMPLAINT
)	
vs.)	
)	
RGS FINANCIAL, INC.)	
)	
Defendant.)	

INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*, which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

JURISDICTION/VENUE

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).

3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

PARTIES

4. Plaintiff Shauntel Brown is an adult individual residing in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant RGS Financial, Inc. is a foreign corporation and a collection agency operating from an address of 3333 Earhart Drive, Suite 150, Carrollton, TX 75006, and is a "debt collector" as that term is defined by 15 U.S.C. § 1692(a)(6).

FACTUAL ALLEGATIONS

6. Plaintiff incurred a financial obligation that was primarily for personal, family or household purposes, that allegedly went into default for late payment, and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(6), namely a credit card.

7. The Plaintiff’s alleged debt was consigned, placed or otherwise transferred to Defendant for collection from Plaintiff, when thereafter Plaintiff started receiving collection communications from Defendant in an attempt to collect this debt.

8. Within the past year, the Defendant in telephone calls:

- a.) falsely threatened to sue the Plaintiff,
- b.) threatened to garnish Plaintiff’s wages, and
- c.) created a false sense of urgency.

9. It is illegal to garnish wages in Pennsylvania for an unpaid credit card account.

10. Within the past year, the Defendant left the following message on the Plaintiff’s phone:

Hello. Message for Shauntel Brown. This is Chris Anderson with RGS Financial. Uh, I was hoping to hear from you today. I will be in the office until 5 pm central standard time. My number is 1-800-770-2938, extension 2046

11. The aforementioned communications violate numerous and multiple provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692d, 1692e, 1692e(4), 1692e(5), 1692e(10), 1692e(11), and 1692f.

12. The above-detailed conduct by Defendant of harassing Plaintiff in an effort to collect this debt is a violation of numerous and multiple provisions of the

FDCPA, including but not limited to all of the above mentioned provisions of the FDCPA, as well as an invasion of Plaintiff's privacy.

13. Plaintiff suffered actual damages as a result of these illegal collection communications in the form of anger anxiety, emotional distress, fear, frustration, upset, humiliation, embarrassment, as well as suffering from unjustified and abusive invasions of personal privacy.

CAUSE OF ACTION

COUNT I VIOLATION OF THE FDCAP 15 U.S.C. § 1692 *et seq.*

14. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

15. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 *et seq.*

16. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1), statutory damages in an amount up to \$1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A), and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from the Defendant herein.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for

- a.) an award of actual damages,
- b.) an award of statutory damages, and
- c.) an award of costs of litigation and reasonable attorney's fees.

Respectfully submitted,

JEFFREY L. SUHER, P.C.

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JURY TRIAL DEMANDED